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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,864	03/11/2004	Evan Pennell	00216-661001 / Case 8131	6604
26161	7590	02/06/2006	EXAMINER	
FISH & RICHARDSON PC			CHOI, STEPHEN	
P.O. BOX 1022			ART UNIT	
MINNEAPOLIS, MN 55440-1022			PAPER NUMBER	

3724

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/798,864	PENNEL ET AL.	
	Examiner	Art Unit	
	Stephen Choi	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,6,14-23,25,26 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7-13,24 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. It is noted that the limitations of some of the elected pending claims are not supported by the priority paper. For example, the limitations "one or more skin protection structures between said trimming guard and said trimming cutting edge" set forth in claim 7 and "two or more skin protection structures between said trimming guard and said trimming cutting edge" set forth in claim 8 are not supported by the priority document.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 5, 9, 12-13, 24, 27-29, and 32-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Rozenkranc (US 6,276,061).

Rozenkranc discloses all the recited elements of the invention including a housing having a primary guard (e.g., at 6) and a primary cap (e.g., at 5), one or more primary shaving blades (e.g., 3), a rear wall having a rear exterior surface defining a trimming cap (e.g., Figure 3a, unlabeled), a trimming blade having a trimming cutting edge (e.g., 4), and a trimming guard (e.g., Figure 3a, unlabeled). Regarding claim 24,

alignment surfaces (e.g., surfaces on an unlabeled blade holder at 4). Regarding claims 27-28, a shaving aid strip (e.g., 5). Regarding claims 32-33, e.g., Figure 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8, 10-11, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of Applicant's Admitted Prior Art (hereafter AAPA).

Regarding claims 7-8, Rozenkranc discloses the invention substantially as claimed except for one or more skin protection structures between the trimming guard and the trimming cutting edge. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ one or more skin protection structures between the trimming guard and the trimming cutting edge as taught by AAPA on the device of Rozenkranc in order to protect the user's skin.

Regarding claims 10-11, Rozenkranc discloses the invention substantially as claimed except for the rear wall being a separate component made of metal. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a separate piece made of metal as taught by AAPA on the device of Rozenkranc in order provide an attachable component. Regarding claims 30-31, Rozenkranc discloses the invention substantially as claimed except for four or more

primary shaving blades or five or more primary shaving blades. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ four or five or more primary blades as taught by AAPA on the device of Rozenkranc in order to enhance shaving action. It is noted that the common knowledge or well-known in the art statement of the previous office action has been taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. See MPEP § 2144.03.

Response to Arguments

6. Applicant's arguments filed 16 November 2005 have been fully considered but they are not persuasive.

Applicants contend that Rozenkranc does not teach the cutting edge of the trimming blade extending beyond the terminating surface of the rear wall, nor that the cutting edge is inside of an imaginary extension of the terminating surface of the rear wall as set forth in claim 1. Applicants further contend that Rozenkranc does not teach the trimming guard that is attached to the housing, nor the trimming assembly including the trimming guard in a predetermined position with respect to the trimming cutting edge as claimed being attached to the housing as set forth in claim 3.

The examiner respectfully disagrees. As shown on Figure A below, Rozenkranc does teach the cutting edge of the trimming blade extending at least partially beyond the terminating surface inside of the imaginary extension of the rear exterior surface as claimed. Furthermore, Rozenkranc does teach the trimming assembly that includes the trimming guard and the trimming blade disposed in a predetermined position with

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respect to the trimming guard to define the trimming blade span and a trimming blade angle. The trimming guard is not removably or detachably attached to the housing but rather, the trimming guard is integrally attached to the housing.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sokoloff, Kludjian et al., and Brown are cited to show related devices.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sc
2 February 2006


STEPHEN CHOI
PRIMARY EXAMINER

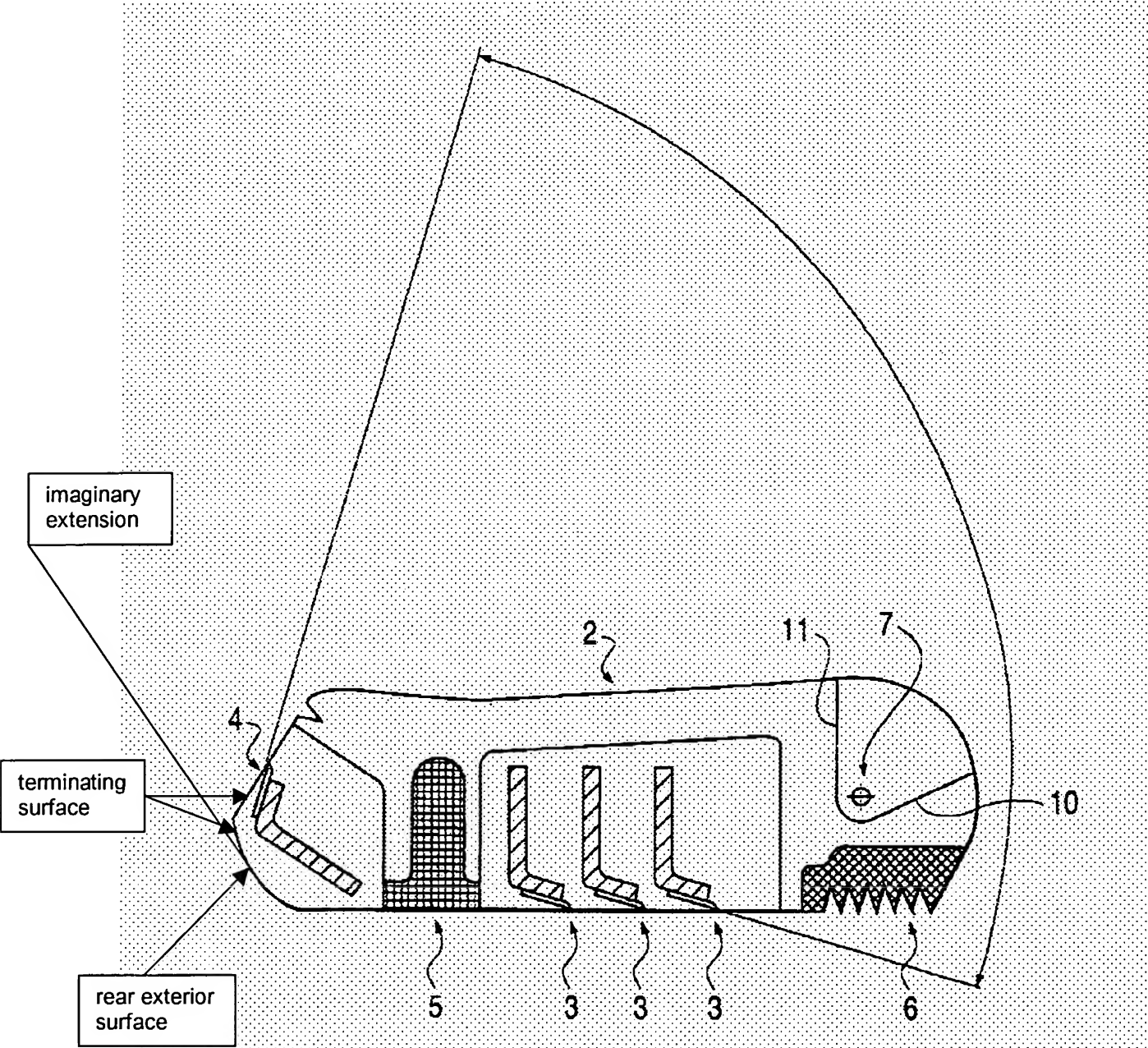


Figure A